

REMARKS

This is entered in response to the Office Action mailed herein 14 September 2001. Claims 1 – 13 are pending in the application. Claims are rejected under 35 USC § 112 and 35 USC § 102. Claims 1, 8, and 9 are hereby rewritten, and the rejection of the claims is respectfully traversed as explained below.

Applicants gratefully acknowledge telephone interviews conducted by the Examiner with Applicants' attorney on 8 and 26 November 2001 concerning the apparent omission of Claims 10 – 13, and of the Preliminary Amendment filed with the application, from consideration in preparation of the Office Action. The Examiner has reviewed the Preliminary Amendment in light of those interviews and has told Applicants' attorney that he would reconsider the rejections of the Claims on various grounds under 35 USC § 112, and that Applicants should consider those rejections to be provisionally withdrawn. The Examiner further stated that the substance of the rejections of Claims 1 – 9 under 35 USC § 102 would stand, and that in order to Expedite prosecution Applicants should respond on the merits. Applicants respond as follows.

The Examiner has assured Applicants that in light of the foregoing, any subsequent official action would not be final.

The Rejection of Claims Under 35 U.S.C. § 112

The Examiner has rejected Claims 1 – 9 under 35 USC 112 as assertedly unduly broad under the findings of *In re Hyatt*. Without admitting the propriety of the rejection, Applicants have rewritten independent Claims 1, 8, and 9. Applicants believe that the rewriting of Claims 1, 8, and 9 addresses the Examiner's concern, and request reconsideration and immediate allowance of the claims.

The Rejection of Claims Under 35 U.S.C. §§ 102

The Examiner has rejected Claims 1 – 9 under 35 USC §§ 102(b) as assertedly anticipated by Holt et al. Applicant respectfully traverse. Among the clear distinctions between Applicants' systems and those described in the prior art is the manner in which the pump / compressors is driven. Holt et al. use a motor 26a,b (Figure 1) coupled to an eccentric rotor 24a,b to drive the air pump / compressor 20a,b to provide a desired accumulator pressure, either by assessing motor response during periods of energization or by monitoring pressure sensors (col. 1, line 66, to col. 2, line 37). Each of Applicants' claims 1, 8, and 9 recite an electromagnetic drive within the compressor, the electromagnetic drive within the compressor supplied with a pulse width modulated drive signal so as to provide a predetermined pump flow rate. No such drive is disclosed or suggested by the cited art. Applicants' system is fundamentally different. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Applicants believe that they have fully responded to the Examiner's concerns and that the claims are in condition for immediate allowance. Applicants respectfully request reconsideration and immediate allowance of the claims.

Applicants request that any questions concerning this matter be directed to the undersigned at (212) 895-2906.

I certify that this paper, together with any documents referred to as attached or enclosed, are being deposited this date with the United States Postal Service with sufficient postage as first class mail, addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231.

Respectfully submitted,

Dated: January 8, 2002



Matthew J. Marquardt
Reg. No. 40,997
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000
(212) 895-2900 FAX

**REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 1 IN MARKED-UP FORM:**

1. (Twice amended) A fluid flow control system for an electromagnetic pump, the control system comprising:

an electromagnetic drive [means] within a compressor, wherein the control system supplies a pulse width modulated drive signal to the electromagnetic drive [means] so as to provide a predetermined pump flow rate, and wherein the drive signal is generated by a dc voltage supply.

**REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING REWRITTEN CLAIM 8 IN MARKED-UP FORM:**

8. (Twice amended) A fluid flow control system for an electromagnetic pump, the control system comprising;

an electromagnetic drive [means] within a compressor, wherein the control system supplies a pulse width modulated low voltage drive signal of substantially fixed amplitude to the electromagnetic drive [means], wherein the electromagnetic drive [means] includes coils having current, and wherein the pulse width modulated low voltage drive signal controls amplitude and repetition rate of the current in the coils of the electromagnetic drive [means] to drive an actuator of the compressor in order to generate a desired flow rate output from the compressor.

**REWRITTEN CLAIM PURSUANT TO 37 CFR 1.121(c)
SHOWING CLAIM 9 REWRITTEN IN MARKED-UP FORM:**

9. (Twice amended) A fluid flow control system for an electromagnetic pump, the control system comprising;
an electromagnetic drive [means] within a compressor, wherein the control system further comprises:
a command generator that creates a command signal corresponding to a predetermined desired fluid flow rate;
at least one sensor to ascertain the status of the system and provide at least one feedback signal,
wherein the command signal and the at least one feedback are processed by a command processor, wherein the command processor outputs a drive signal defined by a mark-space ratio, a repetition rate, and an amplitude, and wherein the drive signal controls voltage applied to compressor windings.

BRMFS1 287220v1